



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

ORELL GALLOWAY and GLADYS
GALLOWAY,
Plaintiffs,

vs.

PERFORMANCE MOTOR CO LLC,
Defendant.

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CIVIL ACTION NO. 8:09-2441-HFF

ORDER

Plaintiffs filed this action in the Oconee County Court of Common Pleas seeking relief under the federal Truth in Lending Act. Defendants removed the action to this Court on the basis of federal question jurisdiction. Thus, the Court has jurisdiction over the matter pursuant to 28 U.S.C. § 1331. Currently pending before the Court is Defendant's motion to strike Plaintiffs' expert witness for failure to file an expert report or, in the alternative, to compel Plaintiffs to produce an expert report and to stay the Court's scheduling deadlines until such matter is resolved.

On February 17, 2010, the Court ordered the parties to conference in a good faith effort to resolve this discovery dispute. On February 26, 2010, the parties informed the Court that the matter had been resolved.

Pursuant to the agreement reached by the parties and by Order of the Court,

- (1) Plaintiffs shall have until March 8, 2010, to produce an expert report which complies with Fed. R. Civ. P. 26;

(2) Defendant's deadline to identify experts and provide reports shall be extended until April 7, 2010;

(3) If Plaintiffs fail to provide the necessary expert report by March 8, 2010, Plaintiffs will not call the experts in question, the Morgans, as witnesses in this case.

In light of this Order and the parties' resolution of the matter, Defendant's pending motion to compel is **MOOT**.

IT IS SO ORDERED.

Signed this 26th day of February, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE